



parties seeking leave to file as friend of the court must demonstrate in their briefing that “their participation is both *timely and useful*”<sup>3</sup> or otherwise “necessary to the administration of justice.”<sup>4</sup> “The extent, if any, to which an *amicus curiae* should be permitted to participate in a pending action is solely within the broad discretion of the district court.”<sup>5</sup>

Note also that amicus briefs must bring relevant matters to the attention of the Court that have not already been brought to its attention by the parties.<sup>6</sup> The advisory committee’s note to subdivision (b) of Rule 29 explains that an amicus brief “which does not serve this purpose simply burdens the staff and facilities of the Court and its filing is not favored.”<sup>7</sup>

It is so **ORDERED**.

SIGNED this 5th day of April, 2024.

A handwritten signature in black ink, appearing to read "David Counts", written over a horizontal line.

DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> *Traban v. Long Beach Mortg. Co.*, No. 9:05-CV-29 (TH/KFG), 2006 WL 8440677, at \*1 n.1 (E.D. Tex. Feb. 9, 2006).

<sup>4</sup> *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007).

<sup>5</sup> *Sierra Club v. Fed. Emergency Mgmt. Agency*, 2007 WL 3472851 at \*1 (S.D. Tex. Nov. 14, 2007)

<sup>6</sup> See FED. R. APP. P. 29.

<sup>7</sup> *Id.*